

1 HANSON BRIDGETT LLP  
2 KURT A. FRANKLIN, SBN 172715  
kfranklin@hansonbridgett.com  
3 LISA M. POOLEY, SBN 168737  
lpooley@hansonbridgett.com  
4 SAMANTHA WOLFF, SBN 240280  
swolff@hansonbridgett.com  
5 RUSSELL C. PETERSEN, SBN 264245  
russ.petersen@hansonbridgett.com  
6 CANDICE P. SHIH, SBN 294251  
cshih@hansonbridgett.com  
7 425 Market Street, 26th Floor  
San Francisco, California 94105  
Telephone: (415) 777-3200  
8 Facsimile: (415) 541-9366

9 HANSON BRIDGETT LLP  
10 TYSON M. SHOWER, SBN 190375  
tshower@hansonbridgett.com  
11 500 Capitol Mall, Suite 1500  
Sacramento, California 95814  
Telephone: (916) 442-3333  
12 Facsimile: (916) 442-2348

13 OTTEN LAW, PC  
14 VICTOR OTTEN, SBN 165800  
vic@ottenlawpc.com  
15 KAVITA TEKCHANDANI, SBN 234873  
kavita@ottenlawpc.com  
3620 Pacific Coast Highway, #100  
16 Torrance, California 90505  
Telephone: (310) 378-8533  
17 Facsimile: (310) 347-4225

18 Attorneys for Plaintiffs  
19 CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
RANGERS, INC.

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21 **UNITED STATES DISTRICT COURT**  
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

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24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
California non-profit public benefit  
corporation,

27 CASE NO. 2:16-cv-02129-SJO (RAOx)

28 **DECLARATION OF VICTOR OTTEN  
IN SUPPORT OF MONETARY  
SANCTIONS AGAINST DEFENDANT  
BRANT BLAKEMAN**

1                   Plaintiffs,

2                   v.

3                   LUNADA BAY BOYS; THE  
4                   INDIVIDUAL MEMBERS OF THE  
5                   LUNADA BAY BOYS, including but  
6                   not limited to SANG LEE, BRANT  
7                   BLAKEMAN, ALAN JOHNSTON  
8                   AKA JALIAN JOHNSTON,  
9                   MICHAEL RAE PAPAYANS,  
10                  ANGELO FERRARA, FRANK  
11                  FERRARA, CHARLIE FERRARA,  
12                  and N. F.; CITY OF PALOS VERDES  
13                  ESTATES; CHIEF OF POLICE JEFF  
14                  KEPLEY, in his representative  
15                  capacity; and DOES 1-10,

16                  Defendants.

17                  I, Victor Otten, declare as follows:

18                  1. I am employed by the law firm Otten Law, PC, counsel of record in this  
19                  matter for Plaintiffs Cory Spencer, Diana Milena Reed, and the Coastal Protection  
20                  Rangers, Inc. (“Plaintiffs”). This declaration is filed in support Plaintiffs’ Motion  
21                  for Monetary Sanctions against Defendant Brant Blakeman and is submitted in  
22                  accordance with this Court’s December 13, 2017 Report and Recommendation of  
23                  United States Magistrate Judge on Plaintiffs’ Motion for Sanctions Against  
24                  Defendants Brant Blakeman and City of Palos Verdes Estates (Dock. No. 538), this  
25                  Court’s February 12, 2018 Order Accepting Report and Recommendations (Dock.  
26                  No. 544), and this Court’s February 15, 2018 Minute Order (Dock. No. 546). I have  
27                  personal knowledge of the matters set forth in this declaration and could and would  
28                  competently testify to them.

29                  2. My law firm Otten Law, PC, and my co-counsel Hanson Bridgett LLP  
30                  represent Plaintiffs in this matter on a *pro bono* basis. Since October 1, 2017, my

1 firm expended a total of 9.2 hours representing Plaintiffs in relation to their motion  
2 for sanctions against Defendant Blakeman, which included analyzing discovery  
3 responses, meeting and conferring with opposing counsel, and reviewing the briefs  
4 and the pleadings related to the motion. In total, my firm incurred \$5,922.50 to date  
5 in fees with respect to Plaintiffs' motion for sanctions against Defendant Blakeman.  
6 Attached as **Exhibit 1** is a true and correct chart reflecting all fees related to my  
7 firm's time related to Plaintiffs' motion for sanctions against Defendant Blakeman.  
8 I also anticipate that I would have incurred an additional \$2,420.00 in fees relating  
9 to the second deposition of Defendant Blakeman regarding the issue of spoliation.  
10 See *id.* and Paragraph 8, *infra*. Thus, my firm's total request for fees related to  
11 Plaintiffs' motion for sanctions against Defendant Blakeman is \$8,342.50.

12       3. As is reflected in Exhibit 1, my billing rate in 2017 was \$575/hour and  
13 increased to \$605/hour in 2018.

14       4. The hourly rates that were charged for the legal services provided by  
15 my firm are the standard rates for an attorney with my experience in Los Angeles. I  
16 have been practicing law for over 22 years. I have extensive litigation and trial  
17 experience and environmental experience. From approximately 2008 to 2010, I was  
18 Chair of the Conservation Legal Committee of Los Angeles Chapter of the Sierra  
19 Club. From 2010 through approximately 2013, I have served as Vice Chair, Legal  
20 Committee, of Los Angeles Chapter of the Sierra Club.

21       5. I have handled several high-profile cases and clients which gained the  
22 firm media attention. Don Kilmer and I were the trial attorneys on the case *Silvester*  
23 *v. Harris*, 41 F. Supp. 3d 927, 2014. The trial court found that the 10-day waiting  
24 period law governing the purchase of a firearm violated the Second Amendment as  
25 applied to certain people. I obtained a published appellate opinion in the case  
26 *Michel v. Palos Verdes Network Group, Inc.* (2007) 156 Cal.App.4th 756, which  
27 addressed disclosures in the real estate context. This case has been cited by  
28 numerous legal treatises and has resulted in California jury instructions based off its

1 holding.

2       6. I have lectured on environmental matters including the following  
3 CEQA presentations: 1) Toxics (RCRA CERCLA, TSCA, FIFRA, California  
4 Analogs), Workshop on Land Use & Global Warming Law for Environmental  
5 Activists, Loyola Law School (March 22, 2008). CEQA Overview Environmental  
6 Law Series, Workshop VI: CEQA, NEPA & Open Government 2013 presented by  
7 Sierra Club Angeles Chapter Legal Committee and Loyola Law; and 2) C.E.Q.A.  
8 Overview, Workshop on CEQA, Global Warming, Endangered Species,  
9 Environmental Law Series Presented by Sierra Club Angeles Chapter Legal  
10 Committee and Loyola Law School Environmental Law Society, Loyola Law  
11 School (March 27, 2010).

12     7. On October 2, 2017, I wrote and sent a meet and confer letter to  
13 counsel for Defendants Papayans, Blakeman, Johnston, Angelo Ferrara, and the  
14 City, requesting their participation in a telephonic meet and confer discussion. My  
15 October 2, 2017 letter advised Defendants that Plaintiffs intended to file a motion  
16 for sanctions under Federal Rule of Civil Procedure 37 as a result of their discovery  
17 abuses. A true and correct copy of my October 2, 2017 letter to counsel for  
18 Defendant Blakeman is attached as Exhibit 3 to the Declaration of Samantha Wolff,  
19 filed herewith.

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1       8. For purposes of estimating costs that Plaintiffs would have likely  
2 incurred with respect to the second deposition of Defendant Blakeman, Plaintiffs  
3 anticipated that Ms. Pooley would depose Mr. Blakeman in early March 2018, and  
4 that Mr. Franklin and I would provide strategic advice and consultation to aid in her  
5 preparation. I estimate that I would have spent 3 hours consulting and strategizing  
6 with Ms. Pooley in this regard. *See* Exhibit 1 to this declaration.

7                  I declare under penalty of perjury under the laws of the United States of  
8 America that the foregoing is true and correct.  
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10                  Executed on February 22, 2017, at Torrance, California.  
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13                  /s/ *Victor Otten*  
14                  Victor Otten  
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